

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SERGIO L. SHAW,

Petitioner,

v.

THOMAS JAHNKE, Dodge
Correctional Officer,

Respondent.

ORDER

08-cv-245-bbc

Petitioner Sergio L. Shaw, a prisoner at the Columbia Correctional Institution in Portage, Wisconsin, has submitted a proposed complaint. He requests leave to proceed in forma pauperis. A decision on the request will be delayed until petitioner pays an initial partial payment of the filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Petitioner's initial partial payment cannot be calculated at this time because the trust fund account statement he submitted with his complaint does not cover the full six-month period immediately preceding the filing of his complaint.

Petitioner's complaint was submitted on April 23, 2008. His trust fund account statement should cover the period beginning approximately October 23, 2007 and ending

approximately April 23, 2008. Instead, petitioner has submitted two canteen statements showing that he had a \$0 balance on April 14 and April 21, 2008. This is not sufficient. If petitioner wants to continue with this lawsuit, he will have to provide a copy of his trust fund account statement for the six-month period described above. Once petitioner has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under § 1915(e)(2).

ORDER

IT IS ORDERED that petitioner may have until May 22, 2008, in which to submit a trust fund account statement for the period beginning approximately October 23, 2007 and ending approximately April 23, 2008. If, by May 22, 2008, petitioner fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily and, in that case, the clerk of court is directed to close this file without prejudice to petitioner's filing his

case at a later date.

Entered this 5th day of May, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge